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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

SALVADOR SANCHEZ,

Defendant and Appellant.

D074239

(Super. Ct. No. SCN372645)

APPEAL from a judgment of the Superior Court of San Diego County, Robert J. Kearney, Judge. Affirmed.

Athena Shudde, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

I.

INTRODUCTION

After he pleaded not guilty or, in the alternative, not guilty by reason of insanity, a jury found defendant Salvador Sanchez guilty of first-degree murder. (Pen. Code,

§§ 187, subd. (a), 189.)¹ In a separate trial that followed immediately upon the return of the guilty verdict, the jury found that Sanchez was legally sane during the commission of the offense. The trial court sentenced Sanchez to state prison for an indeterminate term of 25 years to life.

Sanchez appeals. His appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and has not raised any specific issues. Sanchez's counsel asks this court to review the record independently for error as required by *Wende*. We granted Sanchez the opportunity to file a supplemental brief on his own behalf and he has done so. We have independently reviewed the record under *Wende* and have found no reasonably arguable issues for reversal on appeal. We therefore affirm.

II.

FACTUAL AND PROCEDURAL BACKGROUND

For purposes of this section, we state the evidence in the light most favorable to the judgment. (See *People v. Osband* (1996) 13 Cal.4th 622, 690; *People v. Dawkins* (2014) 230 Cal.App.4th 991, 994.)

In April 2017, Sanchez was arrested for, and subsequently charged with, the first-degree murder of Maithem Alfuraji. Sanchez and Alfuraji were close and socialized with a small group of friends. The friendship between Sanchez and Alfuraji became strained in the weeks before the murder, partly due to an incident where a friend who was a

¹ All subsequent statutory references are to the Penal Code.

passenger in a car being driven by Alfuraji fell out of Alfuraji's car while Alfuraji was driving. Sanchez blamed Alfuraji for driving recklessly.

Shortly thereafter, a mutual friend grew concerned one morning when he was unable to contact Alfuraji. When the friend checked his social media accounts, he saw that Sanchez had posted a series of videos the night before in which he was covered in blood and describing a fight. Sanchez later added additional posts about a fight and made comments alluding to death. When confronted, Sanchez admitted to his friends that he had killed Alfuraji.

One of the friends called 911. When contacted by the police, Sanchez eventually admitted that on the night of the murder, he was hanging out with Alfuraji at a park, where they smoked marijuana and drank brandy. After originally telling the police that Alfuraji had left the park at the end of the night, Sanchez changed his story to claim that masked men had attacked them and shoved Alfuraji into a van. Sanchez said that he was able to fight and escape. Sanchez agreed to come to the police station for an interview but then started to drive in a car heading away from the station. The police quickly arrested Sanchez. Sanchez ultimately admitted to killing Alfuraji and directed the police to where he had disposed of the body. He told the police that he had to kill Alfuraji because Alfuraji was a threat to his friends and family.

During a search of Sanchez's home, police found Alfuraji's cell phone and one of his shoes. Police also recovered Sanchez's bloody clothing. DNA testing was performed on the blood on the clothing. The blood on the clothing was determined to be a match to Alfuraji. Alfuraji's DNA was also found in the car of one of Sanchez's friends, who

admitted to picking up Sanchez from the park on the night of the murder and driving him to a rural area to dispose of Alfuraji's body. Sanchez's DNA was identified in fingernail scrapings taken from Alfuraji's right hand.

Following a short deliberation, the jury found Sanchez guilty of first-degree murder. After the jury returned its verdict, the trial court conducted a separate trial with respect to the question of Sanchez's sanity. After hearing expert psychiatric testimony, the jury found that Sanchez was legally sane at the time he killed Alfuraji.

The trial court sentenced Sanchez to state prison for an indeterminate term of 25 years to life. Sanchez filed a timely notice of appeal.

III.

DISCUSSION

As noted, Sanchez's appointed counsel has filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436 and has not raised any specific issues on appeal.

After this court received counsel's brief, we provided Sanchez with the opportunity to file a supplemental brief. Sanchez elected to file a brief, in which he claims that the trial court erred in admitting in evidence certain autopsy photos and social media videos, which he believes unduly inflamed the jury. He also contends that he was manipulated by detectives into making incriminating statements, and that those statements should not have been admitted. Finally, Sanchez claims that the prosecution improperly attempted to manipulate the psychiatric professionals who evaluated him in preparation for the sanity phase of the trial.

We have reviewed the entire record pursuant to *Wende, supra*, 25 Cal.3d 436. We have not identified any arguable issue for reversal on appeal. Competent counsel has represented Sanchez on this appeal.

The issues that Sanchez raises do not establish a basis for reversal. His claims of error regarding the admission of evidence and prosecutorial misconduct are reviewed under the standard set forth in *People v. Watson* (1956) 46 Cal.2d 818, which requires this court to determine whether "it is reasonably probable that a result more favorable to the [defendant] would have been reached in the absence of the error." In other words, Sanchez cannot simply claim that errors were made at trial, but rather, must show that it is reasonably probable that the jury would not have found him guilty if those alleged errors had not occurred.

Our independent review of the record reveals that Sanchez does not meet this burden. As Sanchez admits in his letter brief, his "identity was never in dispute" and DNA evidence linked him to Alfuraji's murder. As discussed above, Sanchez admitted to friends and to the police that he killed Alfuraji, and other evidence corroborated his involvement. Accordingly, even assuming that the court erred in admitting some evidence and that the prosecutor attempted to "manipulate" experts by contacting them, all of these alleged errors were harmless given the overwhelming evidence of Sanchez's guilt and sanity at the time of the offense. Where evidence has been erroneously excluded or admitted, a judgment shall not be reversed unless the reviewing court believes the error resulted in a miscarriage of justice. (Cal. Const., art. VI, § 13; Evid.

Code, §§ 353, 354.) Our independent review has not revealed any such miscarriage of justice.

DISPOSITION

The judgment is affirmed.

AARON, J.

WE CONCUR:

BENKE, Acting P. J.

IRION, J.